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August 15, 2005

VIA ELECTRONIC MAIL AND U.S. MAIL

Ms. Nazifa Sawez
Federal Communications Commission
Media Bureau
Room 2-A726
445 12th Street, S.W.
Washington, D.C. 20554

Re: KCET-DT, Los Angeles, California
DTV Conflict Resolution
Notice of One In-Core Channel Special Treatment & Waiver Request

Dear Ms. Sawez:

Community Television of Southern California ("CTSC"), licensee of noncommercial educational television Station KCET, NTSC Channel 28/DTV Channel 59, Los Angeles, California, hereby notifies the Commission that Station KCET-DT is eligible for and wishes to take advantage of the special treatment for "one in-core channel" situations that the Commission announced in the August 2, 2005 Public Notice.¹ In addition, pursuant to Section 1.3 of the Commission's rules, CTSC seeks a waiver of certain portions of the Commission's OET-69 interference calculations and Section 73.685(f)(2) of the Commission's rules for purposes of determining the predicted interference to Station KEYT-DT.

Background

During the first round of DTV channel elections, CTSC elected Station KCET's in-core NTSC Channel 28 for its permanent DTV channel. The Commission issued a letter on June 7, 2005, indicating that Station KCET's DTV operation on Channel 28 would cause 2.3% interference to Station KEYT-DT, D27, Santa Barbara, California, and 0.2% interference to Station KFTR-DT, D29, Ontario, California.

Subsequently, on August 2, 2005, the Commission released a Public Notice stating that it would give special treatment to licensees with one in-core channel where

¹ See *DTV Channel Election: First Round Conflict Decision Extension and Guidelines for Interference Conflict Analysis*, Public Notice, DA 05-2233 (Aug. 2, 2005).

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the FCC predicted that selection of their in-core NTSC channels would cause more than the permissible 0.1% interference. According to the Public Notice, "the staff intends to approve such in-core elections if they do not cause more than 2.0% additional interference to other stations (based on their DTV replication facilities, not their maximized facilities)."² As described below and detailed further in the attached engineering statement prepared by Hammett & Edison, CTSC's Engineering Consultant ("Engineering Statement"), Station KCET meets this 2.0% interference standard with respect to Station KFTR-DT and, using alternative calculations authorized in appropriate situations by the Commission in its *2001 DTV Report and Order*,³ meets that standard with respect to Station KEYT-DT. Hence, CTSC requests that the Commission allocate DTV Channel 28 as Station KCET's permanent DTV channel.

Interference Analysis and Waiver Request

In its June 7th letter, the FCC has indicated that Station KCET will cause 0.2% interference to Station KFTR-DT on Channel 29. This amount of interference clearly meets the 2.0% standard announced by the Commission on August 2, 2005. As such, the interference caused by Station KCET to Station KFTR-DT should not preclude the assignment of Channel 28 to CTSC as KCET's permanent DTV channel.

With respect to Station KEYT-DT, the attached Engineering Statement demonstrates that, using the alternative engineering showing approved by the Commission for use in certain situations in paragraph 66 of its *2001 DTV Report & Order*, Station KCET, operating on DTV Channel 28, will cause less than 2% interference to Station KEYT-DT.⁴

² *Id.*

³ *In re Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Report and Order and Further Notice of Proposed Rulemaking, 16 FCC Rcd. 5946 (2001) ("*2001 DTV Report & Order*").

⁴ To the extent that use of this alternative methodology requires a waiver of its OET-69 Bulletin or Section 73.685(f)(2) of the rules, CTSC requests that the Commission grant the necessary waivers. Grant of the waivers will assure the provision of high quality educational and public broadcast programming to the Los Angeles area by one of the major producing stations for the nation's public television system, will increase the certainty with which other stations with out-of-core DTV assignments in the Los Angeles and surrounding area can select their permanent DTV channels, and will result in minimal interference to other stations.

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In 2001, when the Commission adopted its standards for predicting interference to DTV stations, several commenting parties identified situations that rendered the Commission's calculations of signal strength in selected areas erroneous. Although the Commission ultimately adopted its proposed methodology, it recognized these problems and stated that parties could seek a waiver to use accurate calculation methodologies in circumstances where such calculations would "make a critical difference."

We believe the best balance of accurate interference prediction and administrative certainty can be achieved with the analytical methods that we used to develop the initial table However, in a special case, where one of the suggested revisions would improve the accuracy of the analysis and would make a critical difference, an application may contain a showing using an alternate analysis in support of a waiver request.⁵

As set forth in the Engineering Statement, the use of these alternative, and in this case more accurate, calculation methodologies makes a critical difference in whether Station KCET-DT is entitled to elect its only in-core channel as its permanent DTV channel. Specifically, the Commission's OET-69 interference calculations when applied to Station KCET, operating from Mt. Wilson, suffer from the very problems identified by the commenting parties in 2001. And, as shown in the Engineering Statement, using actual main beam azimuth patterns, actual elevation patterns, actual mechanical beam tilt and electrical beam tilt, and correctly calculated depression angles to cells, the true interference to the maximized Station KEYT-DT is only 1.67%. Further, the predicted interference to Station KEYT-DT's replication facilities, rather than maximized facilities, using these more accurate calculation methods is a mere 0.59%. Thus, contrary to the Commission's calculations, which indicated that Station KCET would cause interference to 2.3% of the population in Station KEYT-DT's protected contour, Station KCET-DT will cause at most 1.67% to Station KEYT-DT, well below the permitted 2.0% incremental interference limit for stations with only one in-core allotment. Accordingly, pursuant to paragraph 66 of the *2001 DTV Report & Order* and its August 2nd Public Notice, CTSC requests that the Commission grant its request to use Channel 28 as its permanent DTV channel.

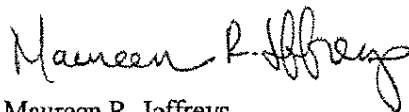
⁵ *2001 DTV Report & Order*, 16 FCC Rcd. at 5972 ¶ 66.

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Conclusion

For the foregoing reasons, CTSC requests that the Commission grant its request to rely on the alternative calculation methodologies sanctioned in the FCC's *2001 DTV Report & Order* and assign Channel 28 as Station KCET-DT's permanent DTV allocation.

Sincerely,

A handwritten signature in black ink, appearing to read "Maureen R. Jeffreys". The signature is fluid and cursive, with the first name being the most prominent.

Maureen R. Jeffreys
Counsel for Community Television of
Southern California

Enclosure

cc: Susan E. Reardon, Esq.
Theodore D. Frank, Esq.